

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JOHN NOAKES,

Case No. 1:21-CV-1776-PAB

Plaintiff,

-vs-

JUDGE PAMELA A. BARKER

CASE WESTERN  
UNIVERSITY,

RESERVE

CASE MANAGEMENT CONFERENCE  
ORDER

Defendant.

A Case Management Conference (“CMC”) was held in this matter on **March 16, 2021**. The parties and counsel of record agreed to the following, and **IT IS ORDERED** that:

1. This case is assigned to the **standard** track.
2. This case was referred to Alternative Dispute Resolution (“ADR”):

Yes \_\_\_\_\_ No \_\_\_\_\_ Decision delayed \_\_\_\_\_ X \_\_\_\_\_

If yes, by the following ADR process: Early Neutral Evaluation \_\_\_\_\_ Mediation \_\_\_\_\_

Arbitration \_\_\_\_\_ Summary Jury Trial \_\_\_\_\_ Summary Bench Trial \_\_\_\_\_

If no: The parties are advised that, if at any time the parties would like to participate in mediation proceedings before a Magistrate Judge, they are directed to file a Joint Request for Referral to Mediation.

3. The parties **do not** consent to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c) at this time.
4. The **pleadings shall be amended without leave of Court and new parties shall be joined on or before May 27, 2022, or within 14 days of the completion of any CWRU internal proceedings related to the Tumbl.**

5. The parties stipulate that the pre-discovery disclosures required by Fed.R.Civ.P. 26(a)(1) are not necessary.

6. As to Electronically Stored Information, the parties (indicate one):

X have agreed to a method for conducting discovery of electronically-stored information as set forth in their Report of Parties Planning Meeting, at pages 2-4.

7. **Non-expert discovery shall be completed by September 30, 2022 (or, if the complaint is amended after May 27, 2022, four months after the filing of any amended complaint).**<sup>1</sup>

Discovery shall be conducted according to the guidelines set forth in Local Rule 16.2 for cases assigned to this track. The Court directs the parties to comply with Local Rule 37.1 before filing any motions seeking aid from the Court in discovery matters.

8. **Expert discovery shall be completed by December 17, 2022.** The party initially seeking to introduce expert testimony shall exchange his or her Expert Report on or before **October 17, 2022.** Responsive Expert Reports shall be exchanged on or before **November 17, 2022.**

9. **Dispositive Motions shall be filed on or before January 17, 2023.** Responses to dispositive motions must be filed within thirty (30) days of the service of the dispositive motion. Replies must be filed within fourteen (14) days of the service of the response. (See Local Rule 7.1). No sur-reply brief may be filed without leave of Court. No request for an extension of time will be entertained unless it is filed prior to the response date from which extension is sought and it indicates whether opposing counsel consents or objects to the requested extension.

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<sup>1</sup> The parties agreed and the Court acknowledged that the other deadlines will have to be amended commensurate with any extension of the fact discovery deadline beyond September 30, 2022.

10. A telephonic status conference with lead counsel is set for June 22, 2022 at 1:30 p.m. Counsel shall confer within five (5) business days of the scheduled conference to discuss outstanding issues and respective positions as to settlement. Counsel shall provide to the Court within three (3) business days of the conference, a joint Status Report or confidential individual Status Reports describing the status of discovery, settlement positions, and issues to be addressed. The Status Reports need not be filed, but may be delivered via email to Barker\_Chambers@ohnd.uscourts.gov.

**IT IS SO ORDERED.**

Date: March 16, 2022

*s/ Pamela A. Barker*  
PAMELA A. BARKER  
U. S. DISTRICT JUDGE